

REMARKS

The Examiner objects under 35 U.S.C. § 132, to the specification amendments filed April 26, 2001. The Applicant points out that the subject matter added to page 6, as well as the flow diagram of Fig. 9, is the exact same language as specifically recited in originally filed claim 4 of the present Application. As the Examiner is aware, the claims are part of specification and that the subject matter disclosed therein is therefore also part of the original disclosure. MPEP § 2163.06 Thus, the amendments of the previous response do not introduce new matter into the specification.

Claim 4 (now rewritten as new claim 6) is rejected under 35 U.S.C. § 112, first paragraph, for the reasons noted in the official action. The inadequate written description rejection is acknowledged and respectfully traversed in view of the following remarks.

The Applicant's claims are specifically drawn to the issue of, as set forth on page 2 lines 6-9, overcoming certain ".problems associate with standard barstock body valves by machining the primary passage of the valve eccentrically (off-centerline) permitting use of initially smaller and lighter barstock material." In addition, and contrary to the Examiners assertions in paragraph 3 of the official action, the Applicant specifically discloses the method of reducing the size of the bar stock body throughout the specification, for instance on page 5, lines 14-15, such size reduction is ".achievable by eccentrically boring through port 33 at centerline X in lieu of dashed barstock size centerline Y."

Claim 4 has been cancelled and the subject matter therein rewritten as new claim 6. As the Applicant believes that the specification clearly and sufficiently

provides support for the subject matter of previous claim 4 and new claim 6.

withdrawal of the § 112, first paragraph rejection is requested.

Claims 1, 2 and 5 are rejected, under 35 U.S.C. § 102, as being anticipated in view of Rawstron '032. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

The Applicant believes, as is set forth specifically below, that the Examiner has failed to properly apply the cited references as required by case law in view of the specifically recited limitations in the currently pending claims. As the Examiner is aware, in order to properly support an anticipation rejection under 35 U.S.C. § 102, the applied reference must disclose each and every limitation of the presently claimed invention.

Primarily, Rawstron does not disclose, teach or even suggest a fluid control valve fabricated from bar stock as currently recited in claim 1, specifically; "a barstock body of preselected material having an inlet end and an outlet end, and a preselected cross section defining the outer walls". Any person of skill in the art can observe that Rawstron's valve consists of a cast casing specifically a "casing consisting of two sections secured together by bolts 12 and sealed by an O-ring 13. The casing is generally similar to a T-connection and has pipe coupling extensions 14, 15 and 16 disposed in T-formation to which piping can be connected in any suitable manner." If anything, such a cast, two part casing having flanged pipe connection extensions, teaches entirely away from the use of common bar stock as a valve casing as presently claimed.

Secondly, the Applicant has made a thorough study of the Rawstron disclosure and can find no feature or discussion relating to "a through machined

main flow port located eccentrically on said inlet and said outlet ends;" as presently recited in claim 1. In fact the flow through ports and passageways in Rawstron are symmetrical with respect to the walls of the valve casing.

The Examiner indicates on page 2 of the official action that; "Rawstron discloses a ball valve comprising a quarter turn ball; a thicker portion where the valve stem enters the housing; and a stem that is perpendicular to the a flow path. The valve housing 14 is made of a single piece of material." Other than perhaps the quarter turn ball valve of claim 5, the Applicant fails to understand how any of these features relate to the present claimed invention. Namely, how a thicker portion encasing a valve stem in Rawstron relates to the Applicant's eccentrically located main flow port. Furthermore, contrary to the Examiner assertion, Rawstron's casing is a two part casing: "The working parts of the valve are enclosed in a casing consisting of two sections 10 and 11 secured together by bolts 12 and sealed by an O-ring 13." Col. 1, lines 61-62.

The Applicant believes that the Examiner has misinterpreted the reference with respect to the novel features of the presently claimed invention and selectively applied the cited reference to only the most applicable elements of the presently claimed invention which is inconsistent with the case law. In view of the above the Applicant respectfully requests withdrawal of the anticipation rejections of the pending claims.

Claim 3 is rejected, under 35 U.S.C. § 103, as being unpatentable in view of Rawstron '032. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks. As the Examiner is aware, in order to properly support an obviousness rejection under 35 U.S.C. § 103, the

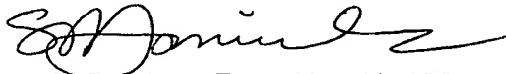
applied references must teach or suggest all the claim limitations. In re Vaeck 947 F2.d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The Applicant's review of Rawstron reveals no disclosure, teaching or even a suggestion as to the minimizing of the valve casing wall adjacent the valve stem. In fact as the Examiner points out in paragraph 2 of the official action, if the reference teaches anything with respect to the presently claimed invention, and such is not conceded, Rawstron specifically teaches a thicker portion where the valve stem enters the housing.

If the Examiner believes that the cited reference discloses or renders obvious all the limitations of the presently claimed invention as required by case law, the Applicant cordially invites the Examiner to point out where in the applied reference such teaching or suggestion can be found relating to the above mentioned limitations, or in the alternative, if the Examiner has certain expertise or skill in the art, to submit an Affidavit indicating that such would be obvious to one of ordinary skill in the art.

In view of the foregoing, it is respectfully submitted that the presently pending claims are not anticipated nor obvious in view of the applied art, and the raised rejections under 35 U.S.C. §§ 102, 103 should be withdrawn and that this application is now placed in a condition for allowance.

In the event that there are any fee deficiencies or additional fees are payable,
please charge the same or credit any overpayment to our Deposit Account (Account
No. 04-0213).

Respectfully submitted,



Scott A. Daniels, Reg. No. 42,462

Customer No. 020210

Davis & Bujold, P.L.L.C.

Fourth Floor

500 North Commercial Street

Manchester NH 03101-1151

Telephone 603-624-9220

Facsimile 603-624-9229

E-mail: patent@davisandbujold.com